SUPREME COURT OF THE UNITED STATES.

No. 206.

THE UNITED STATES, APP'TS,

vs.

MARIA JESUS OLIVERA DE COTA AND AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

"Santa Rosa."

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1 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered that on this ninth of November, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Maria Jesus Olivera de Cota *et al.*, for the place named "Santa Rosa," was presented, and ordered to be filed and docketed with No. 474, and is as follows, to wit:

(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *November* 12th, 1852.

In case No. 474, Maria Jesus Olivera de Cota *et al.*, for the place named "Santa Rosa," the deposition of Abel Stearns, a witness in behalf of the claimants, taken before Commissioner Hiland Hall, with document marked H. H. No. 1, and translation thereof annexed thereto, was filed.

(Vide page 5 of this transcript.)

SAN FRANCISCO, *January* 15, '53.

In the same case the deposition of N. A. Den, a witness in behalf of the claimants, taken before Commissioner Harry J. Thornton, was filed.

2 (Vide page 6 of this transcript.)

SAN FRANCISCO, *March* 7, 1853.

In the same case the deposition of Wm. D. M. Howard, a witness in behalf of the claimants, taken before Commissioner Hiland Hall, with document marked H. H. No. 1, annexed thereto, was filed.

(Vide page 12 of this transcript.)

SAN FRANCISCO, *October* 30, 1853.

Case No. 474 was ordered, on motion of the counsel for the claimant, to the foot of the docket.

SAN FRANCISCO, *December* 1, 1853.

In the same case the deposition of Juan C. Gallardo, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed.

(Vide page 8 of this transcript.)

SAN FRANCISCO, *December* 23, 1853.

In the same case the deposition of José Chapman, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed.

(Vide page 12 of this transcript.)

SAN FRANCISCO, *September* 5, 1854.

In the same case the deposition of J. J. Warner, a witness on behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(Vide page 14 of this transcript.)

SAN FRANCISCO, *October* 30, 1854.

Case No. 474 was submitted on briefs, and taken under advisement by the board.

3 SAN FRANCISCO, *October* 21, 1854.

In the same case the counsel for the claimants filed the following stipulation, to wit:

(Vide page 17 of this transcript.)

SAN FRANCISCO, *February* 27, 1855.

In the same case Commissioner R. Aug. Thompson delivered the opinion of the board confirming the claim.

(Vide page 65 of this transcript.)

And the following order was made, to wit:

(Vide page 69 of this transcript.)

4 *Petition.*

To the board of commissioners for ascertaining and settling private land claims in the State of California:

Your petitioners, Maria Jesus Olivera de Cota, widow of the late Francisco Cota, deceased, and his heirs, Rafaela, Andrea, Clara, Luzardo, Francisco, Maria, Micuela, and Joaquin Cota, of Santa Barbara, in the State of California, respectfully represent to your honorable board that they claim a certain tract of land called Santa Rosa, containing one and a half square leagues, more or less, situated in the county of Santa Barbara, in the State aforesaid; that they claim the same in fee, by virtue of a grant made to Don Francisco Cota, under the authority of the Mexican government, by Manuel Jimeno, governor of the department of the Californias, bearing date 30th of July, A. D. 1839, and approved by the territorial departmental assembly on the 23d of May, A. D. 1840, judicial possession of the same having been given on the 15 and 16th of June, A. D. 1842, and boundaries thereof designated and defined; and further, that he and those claiming under him have been in peaceable possession thereof ever since, without any knowledge of any interfering claim.

Your petitioners do further likewise represent to your honorable board that they also claim a certain tract of land which is an exten-

sion of the said rancho Santa Rosa, the said extension containing two square leagues, more or less, situate in the county
5 of Santa Barbara, lying contiguous to and adjoining the aforesaid rancho. That they claim the same in fee by virtue of a grant made to the above-named Francisco Cota, under the authority of the Mexican government, by Pio Pico, governor of the department of the Californias, bearing date of the 19th of November, A. D. 1845; the same never having been, to the knowledge of the claimants, presented for approval by the departmental assembly.

Your petitioners would further represent that, owing to the unsettled state of the country, judicial possession of grant No. 2 was not given, but that they have been, ever since the said extension (or complication) grant, in actual and peaceable possession of the same, and without any knowledge of any interfering claim.

Your petitioners present herewith a traced copy of the espediente duly certified by the surveyor general, S. D. King; aside from it, the original grant (No. 1) accompanied by docs. of judicial possession, the original approval of grant (No. 1) by the dept. assembly, together with the respective translations of the same, and will proceed to make such further proof as may be required by the board.

Your petitioners pray your honorable board to take into consideration their claim to the aforesaid lands, and to declare their title to be valid, and to confirm the same. And your petitioners will ever pray.

MARIA JESUS OLIVERA DE COTA,
For herself and children,
By HENRY HANCOCK, *Att'y for Claimant.*

6 Made at Los Angeles, this day of November, A D. 1852.
Filed in office Nov. 9th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of Abel Stearns.

LOS ANGELES, *Nov. 12th*, 1852.

On this day, before Com'r H. Hall, came Abel Stearns, a witness in behalf of the claimants, Maria Jesus Olivera de Cota *et al.*, petition No. 474, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

In answer to inquiries by the counsel for the claimant, the witness testified as follows:

My name is Abel Stearns; my age is fifty-four years; and I reside in Los Angeles. I have lived in California over twenty-three years.

A paper is now shown me, purporting to be a grant to Francisco Cota, dated July 30th, 1839, to which is attached a map, a certificate of approval of the departmental assembly, 30th of May, 1840, and a testimonial of judicial possession given in June, 1842. The
7 signatures of Manuel Jimeno, Francisco Arce, Juan B. Alvarado, Joaquin Carrillo, J. R Malo, Guillermo D. Foxen, wherever they appear on said paper, I believe to be genuine. I am

acquainted with their signatures. I believe the whole paper to be a genuine official document, said paper is hereto annexed, and marked H. H. No. 1. I was at the house of Francisco Cota in 1849, who was then living in the rancho of Santa Rosa. We had considerable ground under cultivation, and quite a large stock of cattle, horses, and sheep. The ranch is in the county of Santa Barbara.

ABEL STEARNS.

Sworn and subscribed before me.

HILAND HALL, *Com'r.*

Filed in office Nov. 12, 1852.

GEO. FISHER, *Sec'y.*

8 *Deposition of N. A. Den.*

SAN FRANCISCO, *January 15th*, 1853.

On this day, before Com'r H. J. Thornton, came Nicholas A. Den, a witness in behalf of the claimants, Maria Jesus Olivera de Cota *et al.*, petition No. 474, and was duly sworn, his evidence being given in English.

Questions by claimant.

Ques. 1st. What is your name, age, and place of residence?

Ans. 1st. My name is Nicholas A. Den; my age is forty years; and place of residence, Santa Barbara, in California. I have resided there for the last sixteen years.

Ques. 2d. Do you know the rancho called Santa Rosa, situate in Santa Barbara county, California; and if so, for how long have you known it?

Ans. 2d. I do know it, and have known it for the last twelve or thirteen years or more.

Question 3d. By whom was it occupied when you first knew it?

Answer. By Don Francisco Cota.

Question 4. Up to what time did Don Francisco Cota occupy
9 the same?

Answer 4. Up to the time of his death, which took place something like a year since, with the exception of something like a year previous to his death; but some portion of his family, or servants, have always resided on the rancho since A. D. 1839, up to the present date.

Question 5. Was there a house built by Don Francisco Cota within a year from the date of the first grant in July, A. D. 1839?

Answer 5. There was a small house built during that time, but in 1842 he was living in a large adobe house on the rancho; but I do not recollect at what precise time it was commenced, though I know that he had corrals and other improvements with stock since A. D. 1839.

Ques. 6. Did Don Francisco Cota have many cattle on the said rancho?

Ans. 6. He did have over four thousand head, from the number of calves he used to have, and according to the best of my belief.

N. A. DEN.

U. S. law agent present.

10 Sworn to and subscribed before me this 15th of January, 1853.

HARRY J. THORNTON,
Commissioner, &c.

Filed in office Jan. 15th, 1853.

GEO. FISHER, *Sec'y.*

Deposition of Juan C. Gallardo.

OFFICE OF THE BOARD OF U. S. LAND COMMISSIONERS, &c., &c.

This day, before Com'r Alpheus Felch, came Juan C. Gallardo, a witness in behalf of claimants, Maria Jesus Olivera de Cota *et al.*, petition No. 474, and being duly sworn, his evidence being in Spanish it was interpreted by the secretary as follows:

Questions by Mr. Hancock, attorney for claimant.

1st question. What are your name, age, and place of residence?

Answer. My name is Juan C. Gallardo; my age, fifty-nine years; and I reside at Los Angeles, in California.

2d question. Look on the document now presented to you, purporting to be a map of the rancho of Santa Rosa, and being a part of the traced copy of an espediente relative to the grant of said rancho
11 filed in this cause, and state what objects named thereon you recognize as objects known to you.

Answer. I know the place named in the margin of the first map in the espediente, but I do not know where they are on the map. I do not understand maps. The second map is more plain. I know one spring which is on the east side of the house on said rancho, and it is fenced in with the garden. I have understood that it was called Ojo de Agua de Arellanes. There is a hill called Cuchilla south of the house and on the bank of the river, and it terminates in an abrupt bluff.

3d question. In continuation of the line from the spring to La Cuchilla, is there another spring across the river?

Answer. There are two or three—one of them is a large one, and permanent.

4th question. Are there any Palas Blancas at the north of these springs?

Answer. There are on the other side of the river. There is a forest of them along the cañada.

5th question. Following along the river to the westward,
12 are there other springs, and if so; after passing them in that direction, to what rancho do you next arrive after leaving Santa Rosa?

Answer. I do not know, for I have not passed to the westward. There is a large range of hills towards the sea.

6th question. What rancho is situated on the west of Santa Rosa?

Answer. I do not know, because the sea-shore is to the westward.

7th question. In what direction does the rancho Santa Rita lie from Santa Rosa?

Answer. To the north.

8 question. In what direction is Santa Ynes from Santa Rosa?

Answer. To the east.

9 question. Does the road from Santa Ynes to Purisima pass through the rancho Santa Rosa?

Answer. It does. It passes on the east side of the house, and about a mile from the house.

13 10 question. On which side of the house does the river Santa Ynes run, and in what direction?

Answer. On the south side of the house. It runs from east to west, and passes about two hundred varas from the house.

11 question. Down the river Santa Ynes, what rancho do you arrive at next after Santa Rosa?

Answer. I do not know. You cannot go down the river at all, because there is no road.

12 question. Where are the hills called Las Cruces from the house?

Answer. They are on the south side of the house.

13 question. In what direction from the house is the Cerro de Santa Rita?

Answer. To the north.

14 question. Look on the document now shown to you, purporting to be a map of Santa Rosa, being a part of the record of judicial possession attached to the deposition of Abel Stearns, heretofore
14 taken and filed in this case, and marked H. H. No. 1, and state whether you recognize on this map the main road of Santa Ynes to the Purisima and the line of Santa Rita, as shown by the range of hills running southwardly from the Cerro of Santa Rita.

Answer. I recognize the river and the house on said map. The house is placed wrong, because it fronts to the east, and it appears on the map to front another way. I do not recognize the line above mentioned. I do not know the boundary.

15 question. In traveling the road from Santa Ynes to Purisima, to which rancho do you arrive after passing the Cerro of Santa Rita?

Answer. The mission of Purisima.

16 question. Between the rancho Santa Rosa and the mission Purisima, what rancho is situated?

Answer. Santa Rosa.

Questions by Mr. Greenhow, associate law agent.

1st question. Have you any knowlege whatever of the
15 boundaries of the rancho Santa Rosa, or of the relative direction of any place upon it?

Answer. I have no personal knowledge of it, except what I have been told.

Questions by Mr. Hancock.

1 question. Have you not traveled over the rancho at various times?

Answer. I have passed over it several times, and have stayed in the house over night, and on one occasion I stayed there three days.

JUAN C. GALLARDO.

Subscribed and sworn to before me this first day of December, 1853.

ALPHEUS FELCH,
Commissioner.

Filed in office Dec. 7th, 1853.

GEO. FISHER, *Sec'y.*

16 *Deposition of Wm. D. M. Howard*

SAN FRANCISCO, *March* 7, 1853.

On this day, before Com'r Hiland Hall, came Wm. D. M. Howard, a witness in behalf of the claimants, Maria Jesus de Cota *et al.*, petition No. 474, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present

In answer to inquiries by claimants' counsel the witness testified as follows:

My name is W. D. M. Howard; my age is thirty-three years, and I reside in San Francisco.

A paper is now shown me purporting to be a grant to Francisco Cota, dated 19th of November, 1845, and is hereto annexed, and marked H. H. No. 1. I am acquainted with the handwriting and signature of Pio Pico and José M. Covarrubias, and believe their signatures to said paper are genuine.

WM. D. M. HOWARD.

Filed in office March 7, 1853.

GEO. FISHER, *Sec'y.*

17 *Deposition of José Chapman.*

OFFICE OF THE BOARD OF LAND COMMISSIONERS OF U. S., &c., &c.

This day, before Commissioner Alpheus Felch, came José Chapman, a witness in behalf of claimant, Maria Jesus Olivera, petition No. 474, and being duly sworn, deposed as follows:

Questions by Mr. Hancock, attorney for claimants.

1 question. What are your name, age, and place of residence?

Answer. My name is José Chapman; my age is nearly thirty-two years, and I reside at Santa Barbara, in California.

2 question. Are you acquainted with the rancho named Santa Rosa, in Santa Barbara county? If yea, how long have you known it?

Answer. I have been acquainted with that rancho ever since it was first settled by Francisco Cota. I know the land well.

3 question. What are the boundaries of the rancho?

Answer. It is bounded on the east by the farm of José Maria Covarrubius and the Palas Blancas, on the line between the two ranchos. The rancho of Santa Rita is the boundary on the
18 side towards the mission Purisima, and is situated on the north-

west side of the said rancho Santa Rosa. Santa Rosa and Santa Rita join; the line between them runs over the top of the mountain which is called Alamos, where there is a monument of stones piled up. From this monument on the top of Alamos mountain the line runs to the top of the hill which is called Santa Rita hill, where there is an oak tree that is a boundary. "Fuenta" is the name of a tract of land which is situated on the river side of the rancho Santa Rosa.

4 question. Which part of the rancho Santa Rosa was last granted to Francisco Cota?

Answer. The part nearest to the Palas Blancas. This part has two little valleys running up about two miles and a quarter into the hills. These valleys are about a mile or a mile and a half wide, but vary considerably in width at different points After leaving these valleys and the hills we come to Noriega's land.

5 question. Are these valleys well watered?

Answer. They have water in the rainy season, but in the dry season there is none.

6 question. Look on the paper now here presented to you,
19 heretofore filed in this case, marked Doc. H. H. No 1, annexed to the depositions of Wm. D. M Howard, and state whether the places represented on the map making a part of said document, and marked thereon as cañadas, are known to you to be the valleys of which you have been speaking.

Answer. They are; I know them by this map. The distance between the two valleys above mentioned is about three miles.

JOSÉ CHAPMAN.

Mr. Greenhow, associate law agent, was present at the taking of this deposition, but propounded no questions to the witness.

Subscribed and sworn to before me this 23d day of December, 1853.

ALPHEUS FELCH, *Commissioner.*

Filed in office Dec. 23d, 1853.

GEO. FISHER, *Sec'y.*

20 *Deposition of J. J. Warner.*

UNITED STATES OF AMERICA, *State of California,* } *ss:*

SAN FRANCISCO, *Sept.* 14*th*, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, J. J. Warner, a witness on behalf of the claimants, Maria Jesus Olivera de Cota *et al.*, in case No. 474 on the docket of said board; and said witness being sworn, deposed as follows.

The U. S. associate law agent is present.

Questions by H. Hancock, esq., for claimants.

1st question. What is your name, age, and residence?

Answer. My name is J. J. Warner; my age, 46 years; my residence, San Diego, California.

2d question. Look at the traced copy of the espediente now shown to you, marked espediente A—P. L., and filed in this case, and state whether you have examined the original thereof in the office of the U. S. surveyor general for the State of California. If yea, are you acquainted with the handwriting of the persons whose names appear signed thereto? And if yea, state your means of knowledge, and whether their signatures to said original document, wherever they appear thereon, are genuine.

21 Answer. I have said original espediente in said surveyor general's office, and I am acquainted with the handwriting of José Figueroa, Agustin V. Zamorano, Vicente Moraga, (signed Meraga,) Daniel Hill, Guillermo G. Dana, Joaquin Carrillo, José Maria Covarrubias, Manuel Jimeno, Juan B. Alvarado, Santiago Arguello, Nicolas A. Den, Pio Pico, and Cosmo D. Reña, having seen them write; and their signatures, wherever they respectively appear to said original document, are genuine.

J. J. WARNER.

Subscribed and sworn to before me Sept. 4th, 1854.

PETER LOTT, *Comm'r, &c.*

Filed in office Sept. 5th, 1854.

GEO. FISHER, *Sec'y.*

22 *Stipulation.*

MARIA JESUS OLIVERA DE COTA *et al.* *vs.* THE UNITED STATES. } Claim No. 474.—Rancho Santa Rosa and aggregation.

Before the U. S. land commission for California.

J. J. Warner, being duly sworn, deposes and says that he was acquainted with Don Francisco Cota, the original grantee in the above-entiled cause; also that he has for a long time known his family, and that, to the best of his knowledge and belief, the present claimant, Dona Maria Jesus Olvera de Cota, is the widow of the said original grantee, and that Rafaela, Andrea, Clara, Lugardo, Maria, Macuela, and Joaquin Cota are her children by the said Francisco Cota, and, as such, are, together with the said widow, the legitimate heirs-at-law of the aforesaid Francisco Cota, deceased; further, that I am of lawful age, and a resident of California. So help me God.

J. J. WARNER.

Subscribed and sworn to before me on this 21st day of October, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

23 It is hereby stipulated that the foregoing affidavit may be filed and admitted in the evidence of the above-named case, the same as if regularly taken in the form of a deposition and filed before the submission of the same.

J. H. McKUNE, *Law Agent.*
HARRY HANCOCK, *Att'y for Claimant.*

Filed in office Oct. 24, 1854.

GEO. FISHER, *Sec'y.*

24 *Expediente A.—P. L.*

1836.—Jurisdiccion de Sta. Barbara.

Espediente sabre el parage nombrada Santa Rosa, solicitude por Francisco Cota.—160.

25 Sello tercero, dos reales.—Habilitado provicionalmente por la administracion de la aduana maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

RAFAEL GONZALEZ.
FIGUEROA.

Sor. Gefe Sup'r Politico: Francisco Cota, vecino del puerto de Santa Barbara, ante V. S. con el debido respeto y como mayor halla lugar se presento disiendo; que tiene un poco de ganado mayor, el cual todo se le ha estraviado pr. no tener un sitio propio pr. tenerlo recogido bajo la buena custodia de mi hijos, y haliando me cargado de familia y no poderea sostener en la mantencion que se necesita diaramente occurra a la buena bondad de V. S. pa. ver se hay lugar pa. que se me de un pedaso de tierra para poder adelantar dichos bienes y es el parage sigui'te que llaman Sta. Rosa colindante con la micion de Sta. Ynes, y con la de la Purisima.

26 Pues este sitio si hubiere lugar á mi solicitud se estienden los linderos desde el aguage de dicho parage asta el de los pastos blancos que es á la parte del Norte asta la cañadá que se le nombran Sta. Rita cosa de legua y media de largo del oriente al Poniente, hasta el parage que se llaman Huerta de Arrellanes, que havra una legua y media. Dicho terreno solo maritime dos aguages cortos, amas, dos abrevaderos de ganado.

Dispensando me V. S. la falta del diseño que dene acompaña á esta solicitud, pero me hobligo a mandarlo imediatam'te que lo aga, P. L. A. V. S. suplico el que tendra concideracion el atender á dicha solicitud, decretandome como pido pues en el recibiré merced y gracia.

FRAN'CO COTA.

Santa Barb'a, 7 *Ab'l de* 1836.

En esta tha. se dio cuenta al ayuntamiente con este espediente y se acordi pasase á la commission de terrenos baldios.

MORAGA, *Srio. Into.*

Monterey, *D'bre* 22*a. de* 1834.

De conformidad con las leyes de la materia informe el ayuntamiento de Santa Barbara si el contenido en esta instancia obtiene los requisitos preavenidos pa. ser atendido en su solicitud: Si el terreno esta comprendido en las veinte leguas limitrofes ó diez littorales que esprsa la ley de 18 de Ag't de 1824. Si es de regadio, temporal ò abrevadero, si pertenece à la propiedad de algun particu-

26 lar micion, corporacion ó pueblo; contodo lo demas que crea condesente à ilustrar la materia, hanendo que el interesado presente el diseño del terreno que solicita mandando agregar à contumacion evacuado, que sea pasara el espediente el R. P. M. de la mision de Sta. Ynes y al comicionado de secularizar la de la Purisima pa. que esponga el que le ocurra sabre el particular, el Sor. José Figueroa, G'ral de Brigada, Comand'te G'ral Yspector y Gefé Superior Politico de la Alta California, asi lo mando. decreto y firmó de que doy feè.

JOSÉ FIGUEROA.

27 . YLTRE AYUNTAMIENTE: La comicion de terrenos baldios se ha impuesto:

Sello tercero, dos reales.—Habilitado provicionalmente por la administracion de la aduana maritima de Monterey, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinto y cinco.

RAFAEL GONZALEZ.
FIGUEROA.

Del espediente promovido pr. Francisco Cota solicitando el parage de Santa Rosa y encuentra ser un terreno, que pertenece a la mision de Santa Ynes y a la 4 mision de la Purisima por colindar con una y otra, pero no le hace faltar á ninguna de las espresadas; que no se halla comprendido en los 2 leguas limitrofes y si en las dies litorale, que espresa la ley de 18 de Agosto de 1824, y que es de regadio para huerta ó viña. y tambien de abrevadera; que la parte de Francisco Cota que la solicita tiene todos los requisitos que previene la ley pará ser alcudido a su solicitud por lo que la comision concluye poniendo á la deliberacion del ayuntamiento la seguiente proposicim.

Puede concedersele a Francisco Cota el terreno conocido con el nombre de Sta. Rosa.

Santa Barbara, y Ab'l 27 de 1836.

FERNANDO PICO.
SANTIAGO LUGO.
DANIEL HILL.

28 En cumplimiente del superior decreto marginal de V. S. de fha. 22 de Dbre de 1834, este yltre. ayuntamiente informe á V. S. en legales terrenos que el antecedente dictamen de la comision por ser conforme en todos sus partes.

Santa Barb'a, y Ab'l 27 de 1836.

GUILLERMO G. DANA.

Sello tercero, dos reales.—Habilitado provicionalmente por la administracion de la aduana maritima de Monterey de la Alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

A. RAMIREZ
GUTIERREZ.

SR. GEFE SUP'R POLITICO: Habiendo cesado el R. P ministro de la mision en la administracion de sus bienes, en cumplimiento del decreto del finado Gefe Politico Don José Figueroa, tengo el honor de informar a V. S. para su superior resolucion que al terreno que solicita la parte de Don Francisco Cota se le puede adjudicar por no necesitar lo este establecimiento de mi cargr.

Sta Ynez, Octubre 19 de 1836.

JOSE MA. COVARRUBIAS.

MONTEREY, 30 *de Julio de* 1839.

Vesta la peticion con que da principio esta espediente de la autoridad municipal de Sta. Barbara el informe de los administradores de Sta. Ynez y la Purisima con toda lo demas que se tuvo presente y

ver convino ; de conformidad con lo dispuesto por leyes y reglamentos de la materia, se declaro á Don Francisco Cota dueño en propiedad del terreno conocido con el nombre de Sta. Rosa colindante, al este con la cuchilla de Sta. Rosa, al oeste con las lomas de Sta. Rita, al norte con las lomas inmediatas á la cañada.

29

Sello tercero, dos reales.—De Sta. Rosa y al sur con las lomas de las Cruzes, sugeto a las condiciones que se estiendan en el titulo, derigase este, esped'te a lo Exma. Junta Departmental para su aprobacion. El Señor Don Manuel Jimeno Casarin, gobernador interino del departamento de las Californias asi lo mandó decretò y firmo de que doy fee.

MANUEL JIMENO.

MONTEREY, 19 *de Mayo de* 1840

Dada esta a la S. Junta departamental acordi en sesion de este dia que pase à la comision de agricultura.

JOSE FERNANDEZ, *Srio.*

En 22 del mismo lo devolvio en el dictamen que acompaña

FERNANDEZ.

MONTEREY, 10 *de Junio de* 1840.

En vesta de la aprobacion otorgada en veinte y dos del pp'm por la E. Junta Departamental librese testimonio de ella à la parte de D. Francisco Cato en confirmacion del terreno que obtuvo en treinta de Julio de mil ochocientos treinta y nueve. El S D'n Juan B. Alvarado, gobernador constitucional del departamento de los Californias, aso lo prorego y firmò de que doy fee.

31

ALVARADO.

[Here follows a map or plan.—See original, page 30.]

EXMO. SENOR: La comision de agricultura y comencio unidos encargada pr. V. E. de dictaminar los espedientes que en la sesion anterior acompaño el Exmo. Sor. Gobernador y consedidos pr. el mismo gobierno y en contrando los conformes segun lo actuado é enprimes y demas que ver se ha podido propone à la deliberacion de V. E. los articulos siguientes.

Art. 1°. Se aprueba la consecion hecho por el gobierno departamental con fha. 30 de Julio de 1839, en la persona de D. Francisco Cota del parage nombrado Sta. Rosa. 3a. Que se devuelva al Exma Sor. Gobernador el espediente pará los fines convenientes.

Monterey, Mayo 21 de 1840.

S. ARGUELLO.
JOSE RAFAEL GONZALES.

MONTEREY, 22 *de Mayo de* 1840.

En sesion de este dia aprovo la E. Junta Departamental los dos articulos con que concuye el dictamen anterior.

MANUEL JIMENO, *Presid'te.*
JOSE FERNANDEZ, *Srio.*

ver convino; de conformidad con lo dispuesto por leyes y reglamentos de la materia, se declaro á Don Francisco Cota dueño en propiedad del terreno conocido con el nombre de Sta. Rosa colindante, al este con la cuchilla de Sta. Rosa, al oeste con las lomas de Sta. Rita, al norte con las lomas inmediatas á la cañada.

Sello tercero, dos reales.—De Sta. Rosa y al sur con las lomas de las Cruzes, sugeto a las condiciones que se estiendan en el titulo, derigase este, esped'te a lo Exma. Junta Departmental para su aprobacion. El Señor Don Manuel Jimeno Casarin, gobernador interino del departamento de las Californias asi lo mandó decretò y firmo de que doy fee.

MANUEL JIMENO.

MONTEREY, 19 *de Mayo de* 1840

Dada esta a la S. Junta departamental acordi en sesion de este dia que pase à la comision de agricultura.

JOSE FERNANDEZ, *Srio.*

En 22 del mismo lo devolvio en el dictamen que acompaña

FERNANDEZ.

MONTEREY, 10 *de Junio de* 1840.

En vesta de la aprobacion otorgada en veinte y dos del pp'm por la E. Junta Departamental librese testimonio de ella à la parte de D. Francisco Cato en confirmacion del terreno que obtuvo en treinta de Julio de mil ochocientos treinta y nueve. El S D'n Juan B. Alvarado, gobernador constitucional del departamento de los Californias, aso lo prorego y firmò de que doy fee.

ALVARADO.

[Here follows a map or plan.—See original, page 30.]

EXMO. SENOR: La comision de agricultura y comencio unidos encargada pr. V. E. de dictaminar los espedientes que en la sesion anterior acompaño el Exmo. Sor. Gobernador y consedidos pr. el mismo gobierno y en contrando los conformes segun lo actuado é enprimes y demas que ver se ha podido propone à la deliberacion de V. E. los articulos siguientes.

Art. 1°. Se aprueba la consecion hecho por el gobierno departamental con fha. 30 de Julio de 1839, en la persona de D. Francisco Cota del parage nombrado Sta. Rosa. 3a. Que se devuelva al Exma Sor. Gobernador el espediente pará los fines convenientes.

Monterey, Mayo 21 de 1840.

S. ARGUELLO.
JOSE RAFAEL GONZALES.

MONTEREY, 22 *de Mayo de* 1840.

En sesion de este dia aprovo la E. Junta Departamental los dos articulos con que concuye el dictamen anterior.

MANUEL JIMENO, *Presid'te.*
JOSE FERNANDEZ, *Srio.*

STA. BARBARA,
Noviembre 6 *de* 1845.

Esta su prefectura a la impuesta del terreno que se menciona y ese que no haber embarazo para que se le conseda al interesado; sin embargo pasé al juez de primera instancia para que diga lo que hay sobre el particular.

CARRILLO.

EXMO. SOR. GOB'OR: Fran'co Cota vecino del partido de Sta. Barbara ante V. E. como mejor hay a lugar en derecho digo; que teniendo un numero bastante considerable de ganado mayor y Caballada Caresco del Aumento de un terreno que se halla inmediata al que poseo el cual aunque fué consedido incluso con el que en la actualidad obtengo y como este no se estendia mas que à un citio y medio, resulto al tiempo que posesion arme el que sobrara tierras y estas que son para cualesquier otro individuo inutiles por ser esteriles; son las que solicito de V. E. me conseda pues no pertenesca à propiedad particular y se estiende hasta dos sitios de ganado mayor poco mas ò menos. Portanto a V. E. suplico se sirva aceder à mis deseos de lo que recivire gracia y justicia que juro; serviendose admitir esta en papel comun por no haber del sellado correspondiente.

Sta. Barbara, Noviembre 1 de 1845.

FRANCISCO COTA.

33 Otra si. El terreno que se solicita calinda por el norte con tierras de Don José Anto. de la Guerra por el este con las de D'n Joaquin Carrillo y Don José Maria Covarrubias y pr. el oeste con las de D. Ramon Malo.

FRANCISCO COTA.

D. NICOLAS A. DEN,
Alcalde 1 *del Puerto de Santa Barbara.*

Certifico que el terreno solicitado en la presente instancia solo se halla ocupado con los bienes del solicitante y en efecto no pertenece à ningun individuo, pues me consta por que hase tres dias tuve posesionando à sus colindantes y advente quedarà este terreno en favor de la nacion, lo que digo por via de informe a ruegos del interesado. Santa Barbara, 6 de Noviembre de 1845.

NICOLAS A. DEN.

ANGELES, *Noviembre* 19 *de* 1845.

Vista la peticion con que da principio este espediente las informes del sub-prefecto y del alcalde 1o. de S'ta Barbara con lo demas que se tuvo presente y Ver Convino°. De conformidad con la ley de 18 de Agoste de 1834, y reglamento de 21 de Noviembre de 1828, declaro à D'n Francisco Cota dueño en propiedad del terreno que estiende de dos sitios poco mas o menos de ganado mayor ha pretendido en ampliasion del que poseè nombrado S'ta Rosa. Estiendese le al agraciado el titulo correspondiente y reservese el presente espediente para someterlo a la aprobacion de la Exma. Asamblea Departmental.

34 Pio Pico, gobernador provicional del departamento de las Californias asi lo mandò decretò y firmò de que doy fee.

PIO PICO.

JOSÉ MARIA COVARRUBIAS.

ANGELES, *Ab'l* 15 *de* 1839.

Informe el administrador de la ex mision de la Purisima sobre el contenido de esta solicitud y vuelva para proveer.

COSME D. PEÑA.

SOR. PREFECTO DEL 2D DISTRITO: El ciudadano Fran'co Cota, Mejicano por nocimiento y vecino de la municipalidad de Santa Barbara ante la justificacion de V. S. por el ocurso que mas conforme sea á dro paresco y digo; que en el año de mil ochocientos treinta seis dirigiro una solicitud al Sor. Gefe Sup'r Politico del Territorio en pretencion de un terreno llamado Santa Rosa; cito entre la mision de Santa Ynes y la Purisima compuesto de dos citios de ganado mayor poco mas ò menos demarcado pr. los linderos que se manifiestan en el deseño que en una foga util debidamete a conpaño.

Fue informada en mi favor la instancia y en esta virtud se me consedio intermiamente la posecion del mencionado terreno sur dar me constancia con que poder acreditarla y por este escrito me he declarado en el desde el and citado el cultivo de sus tierras y crea de ganado.

Ultimam'te hé ocurrido, à la Sria del Sup'o Gob'or Departamental para informarme del para dero del respectivo espediente y darle
35 el impulso que corresponde y como haya parecido estraver pr. virtud de las ocurrencias politicos del pais me considero en el caso de dirigir à V. S mi presente solicitud denunciando nuevamente el terreno mencionado segun que manifiesta en el deseño adjunto para que teniendo estado, se sirva elevarla al Exmo. Sor. Gobernador del Departamento de quien espero la concesion y titulo en propiedad del citio à qe. me refiero. Ve. Se. tendra à bien obsequir me presente instancia en lo que recivire la gracia que saliesto. Juro no ser de malicia y lo necesario, etc. S'ta Ynes, Abril 5 de 1839.

F'CO COTA.

Otro si. V. Sa. se sirvira admtir en el presente papel comun pr. no haber del sellado correspon'te.

COTA.

En virtud del decreto supr. de V. S. que al margen de esta instancia se halla. Ynformo que el terreno que se pretendo no le es necesario à este establecimiento de mi cargo por lo mismo puede adjudicarse al que lo solicita. Purisima Concepcion, Mayo 6 de 1839.

JOSÉ MA. VALENZUELA.

ANGELES, *Mayo* 19 *de* 1839.

Con el correspondiente informe dirigase la presente instancia al Supremo Gob'no Departamen-
36 tal.

COSMO D. PEÑA.

SOR. PREFECTO DEL 2D DISTRITO: El ciudadano Fran'co Cota, vecino de Santa Barbara ante la justificacion de V. S. paresco y digo que tengo hecha una solicitud en pretencion del terreno llamado Sta. Rosa. Cuya posesion ynterina me fué consedida por el Sr. Gefe Politico del Territorio el año de mil ochocientos treinta seis, mas como no tengo documento con que podeo acreditado, occurro à V. S. Para que se sirva elevar mi presente solicitud al Exmo. Sor. Gob'or del Departam'te afin de que se su E. lo vuelvere a bien me mandi continuar la dha. posesion, mien-

tras tanto el espediente relativo corre sus tramites hasta su final conclusion.

P. F. A. V. S. suplico acceda à mi pretencion en lo que recibire gracia que solicito admitiendo me la papel comun por no haber del correspon'te. Santa Ynes, Abril 1o. de 1839.

FRAN'CO COTA.

SOR. GOBERNADOR: La prefectura de este distrito tiene a bien informar a V. E. que Dn. Francisco Cota es acredor à la gracia que solicita, atendiendo los causales es puestos. Ang's, Mayo 19 de 1839.

L. COSME D. PEÑA.

[Here follows a map or plan.—See original, page 37.]

39 SOR. GOBERNADOR: Por el informe que antecede del administrador de la Purisima y los que la prefectura ha podido adquirir relativos al solicitante y terrenos que se menciona en esta instancia, entiendo que es de accederce à ella, Si S. E. lo tuviere à bien y fuere de su superior agrado.

Angeles, Mayo 18 de 1839.

L. COSME D. PEÑA.

[Here follows a map or plan.—See original, page 38.]

Pro Pico vocal decano de la asamblea departamental y gobernador provicional de las Californias por ministerio constitucional.

Por cuanto Dn. Francisco Cota ha pretendido para su benificio personal y el de su familia el terreno entre tierras de los Señores Don José Ma. Covarrubias, Dn. Ramon Malo y Rancho de Santa Rita, practicadas previamente las averiguaciones consermentes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son conferidas à nombre de la nacion Mejicana he venido por decreto de este dia en concederle el espresado terreno declarando le la propiedad de el por las presentes letras de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de
40 1828 à reserva de la aprobacion de la exma. asamblea y bajo las condiciones siguientes.

1a. Podra cercarlo sur perjudicar las travesias, caminos y servipumbres, lo disfrutará libre y esclusivamente destinandolo al uso ò cultivo que mas le acomode: en la inteligencia que se le concede en ampliacion del terreno que posee nombrado Sta. Rosa.

3o. El terreno de que se le hace donacion es de la estension de dos sitios de ganado mayor poco mas ò menos segun demuestra el deseño que otra en el espediente. El juez respectivo le darà posesion juridica en virtud de este despacho y demarcara los linderos con las majoneras necesarias.

En consecuencia mando que teniendose el presente titulo por firme y valedero, se tome razon de el en el libro respectivo se dara posecion en virtud de este despacho y demarcarà los linderos con las majoneras necesarios.

En consecuencia mandó q. teniendose el presente titulo por firme y

valedezo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en la ciudad de los Angeles en este papel comun por falta de sellado que corresponde à diez y nueve de Noviembre de mil ochocientos cuarenta y cinco.

PIO PICO.
JOSÉ MA. COVARRUBIAS.

Queda tomada razon de este titulo en el libro respectivo.
41 Angeles fecha ut supra.
COVARRUBIAS.
Es copia. JOSE MARIA COVARRUBIAS.

OFFICE OF SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, now having under my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that the twenty-four preceeding and hereunto attached pages of tracing paper, numbered from one to twenty-four, inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents on file and forming portions of the records of this office.

In testimony whereof, I have hereunto signed my name and affixed my private seal, (not having a seal of office,) at the city of San Francisco, this 22d day of October, 1852.

SAM. D. KING,
Surv. Gen'l, Cal'a.

Filed in office Nov. 9, 1852.

GEO. FISHER, *Sec'y.*

42 *Translation of espediente.*

1836.—Jurisdiction of Santa Barbara.

Espediente relative to the place called Santa Rosa, solicited by Francisco Cota.—160.

Stamp of third class, two reales. Provisionally authorized by the administration of the maritime custom-house of Monterey for the years 1834 and 1836.

RAFAEL GONZALEZ.
FIGUEROA.

TO THE SUP'R POLITICAL CHIEF: Francisco Cota, a resident of the port of Santa Barbara, before Y. E. with due respect, and as the law may favor him best, appears and showeth that having a small number of black cattle, all of which are scattered, owing to his not having a proper place to keep them under the custody of himself and sons, and having a large family and scarcely means to furnish them with

the necessary support, he recurs to Y. E. to the end that a tract of land may be granted to him where said number of cattle may be kept and increase.

43 That the place intended to be obtained is called Santa Rosa, being bounded by the mission of Santa Ynes and of La Purisima; and that if his application be admitted, the boundaries of said place extend from the aguage of the same place to that of Palos Blancas, which lies on the south side, and on the north side as far as to the cañada called Santa Rita, being about one league and a half long from the east to the west, as far as to the place called Huesta de Arrellanes, there may be a league and a half, which place has only two small streams, and two watering places for cattle.

If Y. E. will excuse my not having annexed hereto the necessary map, I promise to have one made immediately.

Therefore I pray Y. E. will be pleased to listen to my petition and order as prayed for, whereby I shall receive favor, &c.

FRAN'CO COTA.

(On the margin of the petition:)

MONTEREY, *Decemb'r 22d*, 1834.

According to the laws relating to the subject, let the ayuntamiento of Santa Barbara report whether the party to this petition has the requisites provided to be attended regarding the same; whether the tract of land under application lies within the 20 limitary

44 leagues, or *or* the 10 littoral ones mentioned in the law of 18 of Aug't 1824; whether it is susceptible of irrigation, dependent upon the seasons, or embraces any watering places for cattle; whether it belongs to any private individual, mission or pueblo, and whatever else they may deem leading to clear the subject, causing the party to produce a map of the land he petitions, which shall be annexed to this espediente; after which, they shall transmit the same to the Rev'd Father minister of the mission of Santa Ynez, and to the committee of secularization of the La Purisima, that they may state what occurs to them.

Don José Figueroa, brigadier general, commandante general, inspector and superior political chief of the Upper Californias, thus ordered and decreed and signed, which I attest.

JOSÉ FIGUEROA.

AUGUSTIN V. ZAMORANO, *Sec'y*.

SANTA BARBARA, *April 21st*, 1836.

On this date account was given to the ayuntamiento concerning this espediente, and it was resolved to transmit the same to the committee on vacant lands.

MORAGA, *Sec'y ad interim*.

To the Hon'l Ayuntamiento:

45 The committee on vacant lands has received the espediente carried on by Francisco Cota, on application of the place called Santa Rosa, and finds the same to belong to the mission of Santa Ynes,

and to the La Purisima, being bounded by both of the missions, but it is not needed by either of them ; that it is not lying within the 20 limitary leagues mentioned in the law of 18 of Aug't, 1824, and that it is composed of land susceptible of irrigation, and fit for orchard and vineyard, and also pasture land ; that the petitioner, Francisco Cota, has all the requisites provided by law to be attended in regard to his application. Therefore the committee submits for the determination of your honorable board the following proposition :

That the tract of land known by the name of Santa Rosa be granted to Francisco Cota.

Santa Barbara, April 27th, 1836.

FERNANDA PICO.

DANIEL HILL,
SANTIAGO LUGO.

In compliance with the superior marginal decree of Y. E., of date 22d of December, 1834, this illustrious ayuntamiento reports to your E. in equal terms to be conformable with the foregoing opinion of the commission in all respects

Santa Barbara, April 27th, 1836.

GUILLERMO G. DANA.

Senor Superior Political Chief :

46 In compliance with the superior decree of 22d of May, A. D. 1834, the land belonging to the ex-mission is on her part thus granted to citizen Francisco Cota.

Purisima, June 26th, 1836.

JOAQ'N CARRILLO.

Senor Superior Political Chief :

The Rev'd P. minister closed in the administration of the effects of this mission in compliance with the decree of the late political chief, Don José Figueroa. I have the honor to inform Y. E., for your superior resolution, that the land solicited on the part of Señor Don Francisco Cota may be adjudicated, for it is not needed by the establishm under my charge.

Santa Barbara, Oct. 19th, 1836.

JOSÉ M A. GOVARRUBIAS.

MONTEREY, *July* 30*th*, 1839.

In virtue of the petition with which this espediente commenced before the municipal authorities of Santa Barbara, the information of the administrators of Santa Ynes and La Purisima (mission) and all other steps which were had and ought to be viewed, in conformity with the disposition of the laws and regulations in the matter, Francisco Cota is declared owner in fee of the land known by the

47 name of Santa Rosa, bounded on the east by the cuchilla of Santa Rosa, on the west by the hills of Santa Rita, on the north by the hills immediate of the cañada of Santa Rosa, and south by the hills of the Cruses, subject to the conditions mentioned in the title. Let this espediente pass to the most excellent dep't assembly for approval.

Thus Don Manuel Jimeno Casarin, governor ad interim of the dep't of the Californias, decrees, signs, and gives faith.

MAN'L JIMENO.

MONTEREY, *May* 19*th*, 1840.

It being reported to the excellent dep't junta, it resolved, in session of this day, that it be passed to the commission on agriculture.

JOSE Z. FERNANDEZ, *Sec'y.*

On the 22d of the same it is returned, with the opinion which accompanies.

FERNANDEZ.

MONTEREY, 22*d of May*, 1840.

In session of this day the most excellent dep't junta approved the two articles, concluding the foregoing opinion.

MAN'L JIMENO, *Pres't.*

JOSÈ Z. FERNANDO, *Sec'ty.*

MONTEREY, 10*th June*, 1840.

In view of the approval made on the 2d ult'o by the ex. departmental junta, let a record thereof be issued to Don Francisco Cota, in confirmation of the land which he obtained on the 30th of July,
48 1839. The Sor. Don Juan B. Alvarado, constitutional governor of the department of the Californias, thus provided and signed, which I attest.

ALVARADO.

Deseno.—Recapitulation.

A. Corral and irrigable land.
B Spring of water.
C. Spring of water.
D. Cañada of Santa Rosa and main road to Purisima.
E. River of Purisima.
G. Cañada of Santa Rosa and road to Alamos.
H. Hills of Santa Rita and line of the sitio at the west.
I. Knife of Santa Rosa and lasterly line.
J. Hills called northern line.
K. Hills of the Cruses and lines of the south.

Excellent señor:

The commission of agriculture and commerce united, charged by your excellency with the examination of the espediente, which, in the previous session, were accompanied by the exmo. governor, and ceded by the same government, and finding this conformable in all respects, so far as we are able to learn from information and experience, propose for the deliberation of your excellency the following articles:

1st. The concession made by the dep't gov't of date 30th of July,

1839, to Don Francisco Cota, of the place called Santa Rosa,
49 is approved.

2d. That the espediente be returned to the señor governor for the end it may serve.

Monterey, May 21, 1840.

S. ARGUELLO.
JOSE RAFAEL GONZALES.

(Given before order of date—see before.)

MONTEREY, 22*d of May*, 1840.

In session of this day are approved, by the excellent dep't assembly, the two articles concluding the preceeding opinion.

MAN'L JIMENO, *Pres't.*

JOSÉ FERNANDEZ, *Sec'y.*

(Should come after.)

SANTA BARBARA, *Nov.* 6, 1845.

This sub-prefecture having taken information regarding the land mentioned, and believe that there is no obstacle ceding to the party asking; however, let it be passed to the judge of the
50 first instance in order to report what may occur to him on the subject.

CARRILLO.

Excellent Senor Governor: Francisco Cota, citizen of the district Santa Barbara, before your excellency in due form presents himself, and says that he has a considerable number of cattle and horses, and needs the augmentation of a tract of land which he finds near that which he possesses, which, although ceded to me in that which I have already obtained, and that as this does not extend more than one and a half leagues, and at the time of possession there resulted to be surplus land, and this (land being sterile and of no use to another individual,) is what I solicit your excellency to cede to me, for it does not belong to any one in particular, and is, in extent, near two sitios de ganado mayor, a little more or less.

Therefore I supplicate that you may accede to my desires, by which I shall receive grace and justice, making this petition on common paper for want of sealed corresponding.

Santa Barbara, 2d Nov. 1845.

FRANCISCO COTA.

N. B.—The land solicited is bounded on the north by the lands of Don José Antonio de la Guerra, on the east by those of Don Carrillo and Don José Ma. Covarrubias, on the west by that of Don Ramon Malo.

FRANCISCO COTA.

NICOLAS A. DEN,
1*st alcalde of the port of Santa Barbara.*

I certify that the land solicited in the present instance is alone occupied by cattle of the petitioner, and, in effect, does not
51 belong to any individual. To me it is clear, from what I learned three days ago when I was putting into possession the land-holder, that the said land remains to the nation, which I state, by way of report, at the request of the party interested.

Santa Barbara, 6 Nov., 1845.

NICOLAS A. DEN.

ANGELES, *Nov.* 19*th*, *A. D.* 1845.

In view of the petition in the beginning of this espediente, the information of the sub-prefecta, and of the 1st alcalde of Santa Barbara, with all the rest which has been presented and ought to have been viewed, and in conformity with the law of the 18th of August, 1824, and regulations of the 21st of Nov., 1828, I declare Don Francisco Cota owner in fee of the land which in extent is of two sitios de ganado mayor, a little more or less, which he has petitioned for in ampliation of that which he already possesses, called Santa Rosa. Let the corresponding title be made out to the donee, and reserve, for the present, the espediente to be submitted for the approbation of the excellent departmental assembly.

Pio Pico, provisional governor of the Californias, thus decrees, signs, and gives faith.

PIO PICO.

JOSE MA. COVARRUBIAS, *Sec'y.*

52 ANGELES, *April* 15*th*, 1839.

Let the administrator of the ex-mission of the Purisima inform relative to the contents of this solicitation, and return the same for determination.

COSME D. PEÑA.

Señor Prefecto of the 2*d district:*

The citizen Francisco Cota, Mexican by birth, and resident of the municipality of Santa Barbara, before the equity of your honor by that which occurs, being conformable to his right, appears and says that in 1836 he sent a petition to the political chief of this territory, soliciting the tract of land called Santa Rosa, situate between the missions Santa Ynez and La Purisima, estimated at two sitios de ganado mayor, a little more or less, designated by the boundaries that are expressed in the deseño, which is duly accompanied herewith in one sheet; the information of the petition was in my favor, and in virtue thereof the possession thereof, for the time being (meanwhile) of the said lands, was ceded me, without giving me a record by which I could prove it; and, by virtue of this, I had devoted myself to the culture of the said land and raising cattle from the year before cited. Latterly I applied to the secretary of the departmental government for information concerning the result of the respective espediente, and gave it
53 the corresponding impulse; and as it may possibly have been lost or destroyed on account of the political disturbances of the country, I am obliged to direct to you this my solicitation, indicating again the land mentioned, according to what is shown by the adjoined deseño, for the which being done it may seem to transmit the same to the excellent governor of this department, from whom I hope to receive the title in property of the referred-to sitio.

So your honor will please to attend to my present petition, in the which I shall receive the grace which I solicit, swearing that I do not proceed from malice, but from necessity.

Santa Ynes, April 5, 1839.

FRANCISCO COTA.

N. B.—Please receive this on common paper, for want of sealed corresponding.

COTA.

In view of the superior decree of your excellency, found in the margin of this petition, I inform that the land which is asked is not (necessary) needed by the establishment under my charge, and that the same may be adjudicated to the one who solicits.

Purisima Concepcion, May 6th, 1839.

JOSE MA. VALENZUELA.

54 ANGELES, *May* 19, 1839.

With the corresponding report, let this present petition be directed to the governor of this department.

L. COSME D. PEÑA.

Señor Prefect of the 2*d district:*

The citizen Francisco Cota, of Santa Barbara, before the equity of your honor presents himself, and says that he has made a petition asking for the land known by the name of Santa Rosa, the possession of which (ad interim) was granted to me by the political chief of the territorys in the year 1836; wherefore, not having in my power the document by which to prove the same, I recur to your honor that you may transmit the present solicitation before the governor of the department, to the end that if his excellency should order the said possession to continue in me, meanwhile that the relative espediente takes it proper course to its final conclusion.

P. S. A. V. S^{r}., I supplicate that my petition may be accorded to, by the which I shall receive the grace which I solicit; making this on common paper, for want of sealed corresponding.

Santa Ynez, April 1st, 1839.

FRANCISCO COTA.

EXCELLENT SOR. GOVERNADOR: The prefecturate of this district
55 will inform your excellency that Don Francisco Cota is entitled to the grace which he solicits, in consideration of the reasons stated.

Angeles, May 19th, 1839.

L. COSME D. PEÑA.

SEÑOR GOVERNOR: By the preceding report of the administrator, and those acquired by the prefecturate relative to the solicitant, and the land mentioned in this petition, I understand that it is accredited to him, if your superior excellency deem proper so to do.

Angeles, May 18th, 1839.

L. COSME D. PEÑA.

I, George Fisher, secretary to the United States land commissioners to ascertain, &c., do hereby certify that the foregoing is a true and correct translation of a Spanish document on file, in case No. 474, in this office.

GEO. FISHER, *Sec'y.*

U. S. LAND COMMISSIONER'S OFFICE,
San Francisco, January 6th, 1854.

P. S.—The espediente was stitched without regard to dates. The translation of the traced copy of the last grant of two leagues, a little more or less, which concludes the espediente, is given with the grant itself, which is on file in this case, and to which reference is made.

Filed in office Nov. 9, 1852.

GEO. FISHER, *Sec'y.*

56 Manuel Jimeno Casarin, primer vocal proprietario de la Exma. Junta del Departamento de las Californias en ejercicio
[SEAL.] del gobierno del mismo.

Original grant and judicial possession.

H. H. No. 1, annexed to the depos'n of Abel Stearns.

Nov. 12th, 1852.

GEO. FISHER, *Sec'y.*

Por cuanto Dn. Francisco Cota ha pretendido para su benificio personal y el de su familia, el terreno conocido con el nombre de Sta. Rosa colindante al este con la cuchilla de Sta. Rosa al oeste con las lomas de Santa Rita, al norte con las lomas immediatas à la cañada de Santa Rosa y al sur con las lomas de los Cruces; practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas à nombre de la nacion Mejicana he venido en concederle el mencionado terreno, declarandole la propiedad de el por las presentes letras y sujeto à la aprobacion de la Exma. Junta Departmental y à las condiciones siguientes.

1a. Podra cercarlo sin perjudicar las travesias. Caminos y servidumbres; lo desfrutara libre y esclusivamente destinandolo al uso y cultivo que mas le acomode; pero dentro de un año fabricara casa y estara habitada.

2a. Solicitara del juez respectivo que le de posecion juridica en virtud de este despacho por el cual se demarcaran los linderos, en cuyos limites pondra à mas de las majoneras algunos arboles frutales ò silvestres de alguna utilidad.

57 3a. El terreno de que se hace mencion es de un citio y medio de ganado mayor poco mas ò menos segun esplica el diceño que corre en el espediente. El juez que diere la posecion lo hara medir conforme à ordenanza; quedando el sobrante que resulte à la nacion para los usos convenientes.

4a. Si contraviniere à estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consecuencia, mando que tenindose por firme y valedero este titulo se tome razon en el libro à que corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey à treinta de Julio de mil ochocientos treinta y nueve.

MAN'L JIMENO.

FRANCISCO ARCE, *Oficial* 1o.

Queda tomada razon de este titulo en el libro de acientos de adjudicaciones de terrenos valdios à f's 7.

ARCE.

Sello tercero, dos reales. — Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cincuenta y ochocientos cuarenta y uno.

JIMENO.
ANTONIO MA. OSIO.

58 [Here follows a map.—See original, page 58.]

59 Infracrito Srio de la E. Junta del Departamento de las Californias, lucargados interinamente del des despacho del mismo. Certifico: que el plano que consta lu la planilla de la buelta esta fielmente sacado de su original que obra en el espediente respectivo y se halla en la oficina de mi cargo y para que conste donde convenga forma la presente la Monterey à 11 de Diciembre de 1840.

JOSÉ Z. FERNANDEZ.

Sello tercero, dos reales. — Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO.
ANTONIO MARIA OSIO.

[SEAL.] Juan B. Alvarado, gobernador constitucional del departamento de las Californias.

La Exma. Junta Departamental la sesion del dia 22 de Mayo del presente año aproba la concesion que este gob'no hizo con f'ha 30 de Julio de 1839, del terreno conocido con el nombre de Santa Rosa à Dn. Franc'o Cota la los terminos siguientes.

Art. 1o. 1o. se aprueba la concesion hecha por el gobierno departamental con f'ha 30 de Agto de Julio de 839, en la persona de
60 Dn. Francisco Cota del parage nombrado Santa Rosa y para resguardo del interesado se estienda el presente en Monterey à trente de Mayo de mil ochocientos cuarenta.

JUAN B. ALVARADO.

MAN'L JIMENO, *Srio del Dispacho.*

STA. BARBARA,
Junio 10 *de* 1848.

En virtud de la antecedente solicitud procedase p'r mi el presente juez, à la medicion, senalam'to de linderos y posecion juridica ql. solicita el interesado la este esped'te señalandose para ejecutarlo el dia 15 del corrt'e mes y año pa. lo ql. se cotaron con boleta de comparecido à los colindan-

SER. JUEZ DE PAZ: Franc'o Cota ante V. con el devido respeto se presenta y dice: Que habiendo obtenido del Sup'or Gobierno el titulo del parage conocido con el nombre de Sta. Rosa dado en 30 de Julio de 1839, ql. devidam'te acompaño, suplica à V. se sirve, (cuando sus ocupaciones se lo permitan,) darme la correspondt'e posecion juridica segun el ordenado en el articulo segundo del

tes, ase yo el mencionado juez lo decreti mandi y firme con los testigos de asistencia con quienes actuo por receptona à falta de escribano publico doy feé.

JOAQ'N CARRILLO.

referido titulo P. T. A. V. en caresidam'te ruego y suplica tengo la bondad de aceder à esta mi suplica serviendo admitir este en papel comun por falta del sello correspondte.

Sa. Barbara, Junio 10 de 1842.

FRANC'O COTA.

Assa:
J. R. MALO.
61 GUILLERMO D. FOXEN.

En la presente fha. Dn. Franc'o Cota se le notifica el anto antecedente y de el entendido dijo lo olle quedava pr. citado y lo firmò con migo y los testigos de asistencia.

FRANC'O COTA.
J. CARRILLO.

Assa:
J. R. MALO.
GUILLERMO D. FOXEN.

En la misma fha. se libraron los voletas que se mandan en el antecedente anto y pa. ql. conste lo rubrique.

En el rancho de Sta. Rosa à quince dias del mes de Junio de mil ochocientos cuarenta, y dos en cumplim'to del anto de diez del corriente comparecieron los ciudadanos Diego Fernandez como mayor domo de la Purisima y Gregorio Lopez pr. el Rancho de la Julian, y citados para la medicion, senalamiento de linderos y posecion, nombre pr. medidores à los ciudadanos José Ma. Valenzuela y Manuel Ortego quienes previa la aceptacion y juramento prosedieron al desempeño de su encargo; asi yo el dho. pres lo decreto y firmo con los de asistencia.

J. CARRILLO.
GUILLERMO D. FOXEN.

Assa:
J. R. MALO.

En la f'ha se les notifico el anto que antecede à los colindantes y enterados dijeron ql. lo Oran y firmaron conmigo y los de asistencia no habiendo comparecido el dest'a.

62 INES Y LAS CRUCES.
CARRILLO.
GREGORIA LOPEZ.
DIEGO FERNANDEZ.

Assa:
J. R. MALO.
GUILLERMO D. FOXEN.

En la misma f'ha y en el espresado rancho se les notifico el anto en el que aparesen nombrados midadores à los ciudadanos José Maria Valenzuela y Manuel Ortego y entendidos dijeron que aceptan y ql.

aseptaron d'ho lucargo y juraron pr. Dios Nuestra Sor. y la señal de la Sta. Cruz, de aser lo fiel y legalm'te à todo su leal y lutender sin dolo ò fraude contra persona alguna, y pa. no saber firmar hicieron ambos uno Cruz y firme yo con los testigos de asistencia.

J. CARRILLO.
JOSE MARIA VALENZUELA.
MANUEL ORTEGO.

Asssa :
J. R. MALO.
GUILLERMO D. FOXEN.

Incontinente yo el juez mande traer à mi presencia el cordel con que se han de medir las tierras y que los medidores lo midan de cincuenta varas y lo firmè con los testigos de asistencia.

J. CARKILLO.

Assa:
J. R. MALO.
GUILLERMO D. FOXEN.

En la misma f'ha en presencia de mi el referido jues los espresados medidores tomaron un cordel de mecate y con una vara de medir tomandola en la mano medieron cincuenta varas pa. hacer la
63 referida medida y pa. constancia lo rubrique.

Enla misma f'ha y en el referido rancho siendo las diez de la mañana yo el presente juez mande à los medidores se pongan para la medicion q[l] se ha de hacer del terreno de Sta. Rosa para que el mencionado D. Franco. Cota torne posecim de el y parados en la cuchilla contigua al Ojo de Agua de la Huerta conocida con el nombre de areganes empesaron la medicion tomando el Rumbo del Este hta la Rinconadas del ultimo Ojo de Agua donde esta una piedra mas visible en donde habiendo llegado dijeron haber dos cientos ventè cordeles desde este punto rumbo al norte hta la lutrada de la cañada de los Palos Blancos donde esta una mesita se medieron cien cordeles en cuyo punto se suspendio la midicion p[r]. ser hora indispuesta y continuala el dia de mañana y pa. q[l]. conste p[r]. diligencia lo firmè con los testigos de assistencia.

J. CARRILLO.

Assa:
J. R. MALO.
GUILLERMO D. FOXEN.

En el rancho de Sta. Rosa à los 16 dias del mes de Junio de mil ochocientos cuarenta y dos la virtud de no haberse concluido la medicion de dho rancho el dia auterior prosedase á ello p[r]. los medidores nombrado y p[l]. q[l]. constè lo firmè con los testigos de assistencia.

J. CARRILLO.

Assa:
J. R. MALO.
GUILLERMO D. FOXEN.

64 En la misma f'ha y en el parage de la entrada de la cañada de los Palos Blancos donde esten una mesita. Punto donde se

concluyo la medicion siendo las ocho de la mañana yo el juez dispense se pongan los cordeleros para continuar la medicion y tomando el rumbo del oeste hta el llano de Sta. Rita donde esta una lomita con un arbol de encino se midieron dos cientos cordeles, y desde ultimo punto hasta la cuchilla del Ojo de Agua de la Huerta de arellanes se calcularon cinco cordeles; habiendose concluida este medicion resulto como dos sitios de ganado mayor algo mas y habiendose echo el señalamiento de linderos en la cuchilla del Ojo de Agua de la Huerta de arèyanes en la rinconada del ultimo Ojo de Agua donde esta una piedra mas visible en la entrada de la cañada de los Palos Blancos donde esta una mesita; y la el llano de Sta. Rita donde esta una lomita con un arbal de encinio, mandé formasen majoneras y pa. constancia lo firmè pr. anto con los testigos de asistencia.

J. CARRILLO.

Assista: J. R. Malo.
Assista: Guillermo D. Foxen.

En la misma f'ha yo el indicado jnez mande que en virtud de haber se medido el terreno y haherse echo el senalamiento de linderos se ponga en posecion juridica el Sor. D. Franco. Cota y notifique seles à los colindantes y firmè p'. anto con los testigos de assista.

65 J. CARRILLO.

Assa.: J. R. Malo.
Assta: Guillermo D. Foxen.

En la f'ha se les notifico à los colindantes Diego Fernandez como encargado de la Purisima y à Gregorio Lopez pr. el rancho de Sa. Julian el anterior anto y entendidos digeron ql. lo horan y firmaron conmigo y los testigos de asistencia.

J. CARRILLO.

Assista: J. R. Malo.
Assta: Guillermo D. Foxen.

En el rancho de Sta. Rosa siendo como à las diez y media de la mañana del mismo dia mes y año el Sor. D. Franco. Cota vecino de Sta. Barbara acompañado del juez y testigos con animo segun dijo de tomar la verdadero corporal y real posecion del espresado rancho de Sta. Rosa pr. haberle pertenecido con justo titulo ql. obtuvo del gobierno politico de este departamento con f'ha de treinta de Julio de mil ochocientos treinta y nueve y aprovada pr. la exma. junta departamental en cesion del dia veinte y dos de Mayo de mil ochocientos cuarenta entro y paso por dho. terreno arranco yerbas esparcio puñadas de tierra rompio ramas de arboles hiso otras ceremonias de verdadera posecion en señal de lo que dijo tomar y que tomaba de dichos tierras y mandè yo el citado juez que desde entonces le tubiesen y reconociesen al mencionado Sor. Cota pr. verdadero dueño Sor. y posedor de ella de todo lo referido pedeo el repetido Sor. Cota

66 que pr. memoria en lo venidero y conservacion de sus derechos pr. mi y el juez le fuese estendida una constancia lo que asi fue autorisada siendo testigos de asistencia los S. S. Ramon Malo y

Guillermo D. Foxen, con quienes actuo la receptoria à falta de escribano publico que no lo hay segun d'ro. Doy fee.

JOAQ'N CARRILLO.

Assista: J. R. MALO.
GUILLERMO D. FOXEN.

Filed in office Nov. 9th, 1852.

GEO. FISHER, *Sec'y.*

67 *Translation of grant No.* 1.—*Translation of the original title.*

Manuel Jimeno Casarin, first proprietary member of the most excellent departmental junta of Californias, in the exercise of the government of the same.

[L. S.]

Whereas Don Francisco Cota has petitioned, for his personal benefit and that of his family, the land known by the name of Santa Rosa, being bounded on the east by the flat upon the hill (cuchilla) of Santa Rosa, on the west by the hills of Santa Rita, on the north by the hills close to the valley or glen of Santa Rosa, and on the south with the hills of the Cruses or Crosses. The steps and inquiries concerning the subject having been previously practiced as required by laws and regulations in the exercise of the powers conferred on me in the name of the Mexican nation, I have granted him the above-mentioned land by these letters, declaring to him the ownership thereof, and subject to the approval of the most excellent departmental junta, and the following conditions:

1st. He may fence it without injury to the ways, roads, and servitudes. He may enjoy it freely and exclusively, destining it to the use or cultivation that may best suit him, but within one year he shall build a house, and the same shall be inhabited.

2d. He shall solicit from the respective judge judicial pos-
68 session in virtue of this title, by whom the boundaries shall be marked out, in the limits whereof he shall put, besides the landmarks, some fruit or wild trees of some utility.

3d. The land of which mention is made is a league and a half, a little more or less, as explained by the deseño accompanying the espediente. The judge who shall give possession shall cause the same to be measured according to ordinance, the overplus remaining to the nation for convenient uses.

4th. If he should contravene these conditions he shall lose his right to the land, and shall be liable to be denounced by another.

In consequence, I command that taking this title as firm and valid a notice be taken of it in the book to which it corresponds, and that it be delivered to the party interested, for his safeguard and other ends.

Given at Monterey, 30th of July, 1839.

MANL. JIMENO.

RANCISC O ARCE, *1st clerk.*

This title remains noted in the book of registracy of adjudications ublic lands at leaf 7.

ARCE.

I, George Fisher, secretary to the U. S. land commission to ascertain, &c, do hereby certify that the foregoing is a true and correct translation of a Spanish document in the within mentioned case now on file in this office.

69 San Fran'co, Cal'a, this 5th day of January, A. D. 1854.
Filed in office Nov. 9th, 1852.

GEO. FISHER, *Sec'y.*

Translation of the approval.—Translation.

Copy of the approval of the most excellent departmental junta of the concession of Santa Rosa to Don Francisco Cota.

[L. S.]

Juan B. Alvarado, constitutional governor of the department of the Californias.

The most excellent departmental junta, in session the 23d day of May, of the present year, approved the concession which this government made, under date 30th July, A. D. 1839, of the land known by the name of Santa Rosa, to Don Francisco Cota, in the following terms:

Art. 1st. The concession made by the government of the department of date 30th of July, A. D. 1839, to Don Francisco Cota, of
70 the place called Santa Rosa is hereby approved. And as a safeguard to the party interested, the present is made out to him in Monterey, 30th of May, A. D. 1840.

(Signed) JUAN B. ALVARADO.

MANL. JIMENO,
Secretary of Dispatch.

I, George Fisher, secretary to the U. S. land commissioners, &c., do hereby certify that the foregoing is a true and correct translation of a Spanish docum't in the within case now on file in this office.
San Fran'co, Jan'y 5th, 1854.

Filed in office Nov. 9th, 1852.

GEO. FISHER, *Sec'y.*

71 *Translation of judicial possession.*

Copy of the petition of Francisco Cota, asking judicial possession of Santa Rosa.

SANTA BARBARA, *June 10th*, 1842. TO THE JUSTICE OF THE PEACE:

In virtue of the preceding solicitation, I, the present judge, will proceed to the measurement and marking of the boundary lines and judicial possession which is solicited by the interested party to this espediente, sitting apart for its fulfillment the 15th day of

Francisco Cota, before your honor, with all due respect, represents himself, and says that having obtained from the superior government the title of the place known by the name of Santa Rosa, given under date of July 30th A. D. 1839, which I duly annex

the present month and year, for which written citations shall be issued to the adjoining land-owners to appear.

Thus I, the above-mentioned judge, decree, command and sign with the assistant witnesses, with whom I act by commission for want of a notary public,
'72 which I certify.

JOAQ'N CARRILLO.

Assistant witness:
J. R. MALO and
GUILLERMO D FOXEN.

hereto, I pray your honor will be so kind (when your occupations will permit) as to give me the corresponding judicial possession according to the order in the second article of the referred-to title, &c.

Therefore, I humbly request and supplicate your honor that you will have the goodness to accede to my desires, being so kind as to admit this on common paper for want of the corresponding sealed.
Santa Barbara, June 10th, 1842.
(Signed) FRANCISCO COTA.

On the present date Don Francisco Cota was notified of the preceeding decree, and understanding it, he said that he heard it, acknowledged service of notice, and signed with me and the assistant witnesses.

J. CARRILLO.
FRANCISCO COTA.

Assistant witnesses:
J. R. MALO and
GUILLERMO D. FOXEN.

On this same date the written citations were sent as ordered in the antecedent decree. In witness whereof, I have made my scroll to this.

[SCROLL.]

In the rancho of Santa Rosa, on the 15th day of June, A. D 1842, in pursuance of the decree of the 10th, appeared the citizens Diego Fernandez, as the mayor domo of the Purisima, and Gregori Lopez for the rancho San Julian, who had been cited for the measurement and making out the boundary lines of possession. I named as measurers the citizens José Ma. Valenzuela and Manuel Ortega, who, after having accepted and been sworn, shall proceed to the discharge of their duties; thus I, the said judge, decree, command, and sign with
'73 the assistant witnesses.

J. CARRILLO.

Assistants:
J. R. MALO and
GUILLERMO D. FOXEN.

On this date the adjoining land-owners were notified of the preceeding decree, and understanding it, they said they heard it, and signed with me and the assistant witnesses. The representatives of Santa Ynes and the Cruces not having presented themselves.

J. CARRILLO,
DIEGO FERNANDEZ.
GREGORIO LOPEZ.

Assistant witnesses:
J. R. MALO and
GUILLERMO D. FOXEN.

On this same date, and in the above-named rancho, citizens José Ma. Valenzuela and Manuel Ortego, who were appointed measurers, were notified of the order, and understanding it, they accepted and did accept the said appointment, and swore in the name of our Lord God and the Holy Cross to do it faithfully and legally to the full extent of their knowledge and understanding, without deceit or fraud against any person whatever; and not knowing how to sign, both of them made a mark of the cross, and I signed with the assistant witnesses.

J. CARRILLO,
JOSÉ MA. VALENZUELA and
MANUEL ORTEGA.

Assistant witnesses:
J. R. MALO and
GUILLERMO D. ———

74 Immediately I, the judge, commanded to be brought before me the cord with which they have to measure the lands, and the measurers or cord-bearers measured it of the length of fifty varas, and I signed with the assistant witnesses.

J. CARRILLO.

J. R. MALO and
GUILLERMO D. FOXEN.

On the same date, and in my presence, the said measurers took the leather cord, and with a Mexican vary used for measuring, and taking the same in their hands they measured fifty varas for to make the above-mentioned measurement. In witness whereof, I have signed with my scroll.

[SCROLL.]

On this same date, and in the above-named rancho, it being 10 o'clock a. m., I, the present judge, ordered the measurers to place themselves for the measurement that had to be made of the tract of land of Santa Rosa, in order that the said Don Francisco Cota take possession of it. And standing on the cuchilla contiguous to the spring of water of the garden known by the name of the Arellanes, they commenced the measurement, taking an easterly direction so far as to the corner of the last spring of water, where there is a conspicuous stone, where, having arrived, they said they had measured two hundred and twenty cordels (220.) From this point direction
75 north to the entrance of the glen or valley of Palos Blancos, where there is a small table-land, they measured one hundred lengths of the cord, at which point the measurement was suspended, it being too late, to be continued on the morrow; and that it may appear as a part of the proceedings, I sign it with the assisting witnesses.

J. CARRILLO.

Assistants:
J. R. MALO and
GULLEIRMO D. FOXEN.

In the rancho Santa Rosa, on the 16th day of June, A. D. 1842, in virtue of not having concluded the measurement of said rancho on the previous day, the appointed measurers will proceed in the execution. In witness whereof I sign, with the assistant witness.

J. CARRILLO.

J. R. MALO.
GUILLERMO D. FOXEN.

On the same date, and at the place of the entrance of the glen or valley of Palos Blancos, where there is a small table-land, and where was concluded the previous measurement, being 8 o'clock a. m., I, the judge, ordered that the cord-bearers should place themselves in order to continue the survey; and taking the direction west to the plain of Santa Rita, where there is a small hill with an oak tree, they measured two hundred cords (200,) and from this last point to the spring of water of the garden of Arellanes they calculated
76 one hundred (100) cords. Having concluded this measurement there resulted about two leagues of land, a little more or less; and having marked out the boundaries at the cuchilla of the spring of water of the garden of Arellanes, where there is a stone most visible at the entrance of the glen or valley of Palos Blancos, where there is a small table-land, and in the plain of Santa Rita, where there is a small hill with an oak tree, I commanded landmarks to be made. In testimony whereof, I sign as a judicial decree, with my assistant witnesses.

J. CARRILLO.

Assistant witnesses:
J. R. MALO and
GUILLERMO D. FOXEN.

On the same date, I, the said judge, commanded that, in virtue of having measured the land, and having marked out the boundaries, Don Francisco Cota be hereby put in judicial possession; and give notice to the adjoining land-owners, and sign, as a judicial, decree with the assisting witnesses.

J. CARRILLO.

Assistants:
J. R. MALO and
GUILLERMO D. FOXEN.

On this date notice was given to the adjoining land-owners, Diego Fernandez, as representative of the Purisima, and to Gregorio Lopez, for the rancho of San Julian, according to the previous decree, and understanding it, they said they heard it, and signed with me and the assisting witnesses.
77 J. CARRILLO.

Assistants:
J. R. MALO and
GUILLERMO D. FOXEN.

In the rancho Santa Rosa, being about half-past 10 o'clock a. m., of the same day, month, and year, Señor Don Francisco Cota, a resident of Santa Barbara, accompanied by the judge and witnesses, with intention, as he said, to take the true corporeal possession of the above-mentioned rancho of Santa Rosa, because it belonged to him by a just title, which he obtained from the political government of this department, of date of the 30th of July, A. D. 1839, and approved by the most excellent departmental assembly, in session of 22d of May, A. D. 1840. He passed over said land, pulled herbs, scattered handsfull of earth, broke branches of trees, and performed other ceremonies in token of true possession, showing that he had taken and did take the said lands. And I, the above-cited judge, commanded that from henceforward the above-mentioned Mr. Cota shall be held and acknowledged as the true owner, lord, and possessor of said land. The said Cota asked for all that has been referred to in order that it might serve as a record in time to come, and the conservation of his rights; that by the judge might be made out to him a record thereof, which that was authorized. The gentlemen Don Ramon Malo and Guillermo
D. Foxen, with whom I act by commission, for want of a
78 notary public, for there are none according to law, which I certify.

JOAQ'M CARRILLO.

Assistants:
J. R. MALO and
GUILLERMO D. FOXEN.

I, George Fisher, secretary to the U. S. land commission to ascertain and settle, &c., do hereby certify that the foregoing is a true and correct translation of a Spanish document, in the within mentioned case, now on file in this office.

Office of said commissioners, San Francisco, California, this 3d day of January, A. D. 1854.

Filed in office Nov. 9th, 1854.

GEO. FISHER, *Sec'y.*

79 *Translation of grant No.* 2.

[Translation.]

Pio Pico, s'r member of the departmental assembly, and provisional governor of the Californias, by constitutional ministry:

Whereas Don Francisco Cota has petitioned, for his personal benefit and that of his family, a tract of land between the lands of Don José de la Guerra, Don Joaquin Carrido, Don José Maria Covarrubias, Don Ramon Malo, and the rancho Santa Rosa, the inquiries relative to the subject having been previously practiced in accordance with the laws and regulations concerning the same, exercising the powers conferred on me in the name of the Mexican, I have determined, by decree of this day, to cede to him the above-mentioned tract of land, and by these letters declare to him the ownership thereof, in conformity with the laws of the 18th of August, A. D. 1824, and the regulations of the

21st of November, A. D. 1828, subject to the approval of the most excellent departmental assembly and under the following conditions :

1st. He may fence it without injury to the ways, roads, and servitudes ; he will enjoy it freely and exclusively, destining it to the use and cultivation that to him shall seem most convenient, with the understanding that it is ceeded to him for the enlargement of the land he possesses, called Santa Rosa.

2d. The land which is hereby ceded to him contains two leagues, a little more or less, as shown by the map or diseño accompany-
80 ing the espediente. The proper officer shall give him judicial possession by virtue of this dispatch, and shall mark out the boundaries with the necessary landmarks.

In consequence, taking this title for firm and valid, let notice be taken of it in the respective book, and let it be delivered to the party interested for his security and other ends.

Given in the city of Los Angeles, on this common paper, for want of sealed that corresponds, on this 19th day of November, A. D. 1845.

(Signed) PIO PICO.

JOSÉ MA. COVARRUBIAS, *Sec't'y.*

Notice remains taken of this title in the respective book. Angeles, date as above.

COVARRUBIAS.

OFFICE OF L'D COMMISSION,
San Francisco, Calif'a, this 5th day of January, A. D. 1854.

I, George Fisher, secretary to the U. S. land commission to ascertain, &c., do hereby certify the foregoing to be a true and correct translation of a Spanish document in the within case now on file in this office.

Filed in office Nov. 9th, 1852.

GEO. FISHER, *Sec'y.*

81 *Original grant No.* 2.

Doc. H. H. No. 1, annex'd to the depo. of Wm. D. M. Howard, taken before Com'r H. Hall March 7, 1853.

GEO. FISHER, *Sec'y.*

Pio Pico, vocal decano de la asamblia departmental y gobernador provicional de las Californias por ministerio constitucional :

Por cuanto, Don Francisco Cota, ha pretendido para su beneficio personal y el de su familia el terreno entre tierras de los Señores Don José Antonio de la Guerra, Don Joaquin Carrillo, y Don José Ma. Covarrubias, Don Ramon Malo, y el rancho de Santa Rosa, practicadas previamente las averiguaciones consernientes segun lo dispuesto por leyes y reglamentos de la materia, usando de los facultades que me

son conferidas à nombre de la nacion Mejicano he venido por decreto de este dia en concederle el espresado terreno declarandole la propiedad de el por las presentes letras de conformidad con la ley de 18 de Agosto, de 1824, y reglamentos de 21 de Noviembre, de 1828, á reserva de la aprovacion de la exama asamblea y bajo las condiciones sig'tes:

1a. Podra cercarlo sin perjudicar las travesias caminos y servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso y cultivo que mas le acomode, en la inteligenan que se la concede en ampliacion del torreno que posee nombrado Santa Rosa.

2a. El terreno de que se hace donacion es de la estencion de dos sitios de ganado mayor poco mas ó menos, segun demuestra el deseño que obra en espediente. El juez respectivo le dará posecion juridica en virtud de este despacho y demarcara los linderos con las majoneras necesarias.

82 En consecuencia mando que teniendose por firme y valedero, se tome razon de el en el libro respectivo y se entreque al interesado para su resguardo y demas fines. Dado en la ciudad de Los Angelos, en este papel comun por falta de sellado que corresponde á diez y nueve de November de mil ochocientos cuarenta y cuico.

PIO PICO.

José Ma. Covarrubias, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo. Angeles, secha at supra.

COVARRUBIAS.

(Here follows a map or plan omitted in original)

El que suscribe secretario del goberno del departamento de las Californias. Certified: Que el diseño de la sepella es lapia fiel del original que obra en el espediente promovido por Don Francisco Cota en pretension de amplacion al terreno que posee llamado Santa Rosa.

Angeles, Novembre 19 de 1845.

Filed in office Feb'y 28, 1853.

GEO. FISHER, *Sec'y.*

83 *Opinion of the board del'd by Com'r Thompson.*

Maria Jesus Olivera de Cota and others, *vs.* The United States.	No. 474. Santa Rosa, 3½ sq. leagues in Santa Barbara county.

The claimants in this case are proved to be the widow and heirs of Francisco Cota, declared, and as such they claim title to the lands described in their petition. In support of their claim they have introduced and proved two original grants, the first for the 1½ sq. leagues of land, a little more or less, made by Manuel Jimeno, 1st vocal of the departmental assembly, exercising the functions of governor of the department, to Francisco Cota, dated July 30th, 1839, which grant

was duly approved by the departmental assembly on the 22d of May, 1840, and a certificate of the same signed by governor and secretary delivered to the grantee on the 30th of the same month. The second made by Gov. Pio Pico to same grantee for two square leagues, a little more or less, in enlargement or extension of the former grant, dated November 19th, 1845. Judical possession of the premises conceeded by the first grant was given by the proper officer on the 15th day of June, 1842, and the boundaries defined. The original record of this act is filed in the case and its genuineness established by the testimony. According to the measurements described in it, the tract of which possession was given, is shown to contain a little more than two
84 square leagues. The map contained in the espediente, to which reference is made in the first grant, represents a tract of land about two leagues square and embracing an area of about four square leagues.

By the act of juridical measurement the grantee was placed in possession of the southern portion of this tract, extending about two leagues from east to west and about one league from north to south, leaving on the northern side of the rancho a surplus of about the same extent within the limits of the map. The deseño or map which accompanies the second grant, taken in connection with the former one, and the oral testimony in the case, shews that this surplus was the land intended to be conceeded by the second grant. The boundaries of the first grant are well defined in the act of juridical possession, and those of the second can be easily identified and established by extending the eastern and western lines, as described in that act to the boundary of Don José Antonio de la Guerra, called for as the northern boundary of the tract.

The conditions of the first grant appear to have been fulfilled, complied with. The second was clearly made under the 16th article of the regulations of the 21st of November, 1828, by which the governor was authorized to distribute the vacant lands lying between the colonized tracts among the adjoining proprietors, who shall have cultivated their own with proper industry and assiduity. The grant is therefore made without the usual conditions of habitation or
85 cultivation. It is moreover shown by the espediente that at the time of making the said grant, that portion of the tract was occupied solely by the cattle of the grantee.

The validity of the claim is clearly established by the testimony, and a decree of confirmation will be entered.

Filed in office Feb. 27, 1855.

GEO. FISHER, *Sec'y.*

86 *Decree of confirmation.*

MARIA JESUS OLVERA DE COTA and others
vs.
THE UNITED STATES. } No. 474.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is valid; and it is therefore decreed that the same be confirmed to the said Maria Jesus

Olvera de Cota, and to the other heirs and legal representatives of Francisco Cota, deceased.

The land of which confirmation is made is situated in the county of Santa Barbara, and is known by the name of Santa Rosa, being the same which was granted to the said Francisco Cota by two grants made under the authority of the Mexican government in California—the first by Manuel Jimeno, acting governor of said department, on the 30th of July, 1839, and the second by Gov. Pio Pico on the 19th of November, 1845, and which was held and occupied by said grantee from the date of said grants up to the time of his death, and is bounded as follows: Beginning on the Cachello, near the spring of water of the garden known by the name of Arrelanes, and running thence, in an easterly direction, eleven thousand varas to the last spring of water, where there is a conspicuous stone; thence, in a northerly direction, five thousand varas to a small table-land at or near the entrance of the Canada de los Palos Blancos, and thence continuing said line northerly until it intersects the boundary line of the rancho of
87 Don José Antonio de la Guerra; thence westerly along said line to the boundary of the rancho of Santa Rita; thence southerly along said last-mentioned line to the point of beginning, so as to include the rancho of Santa Rosa as defined and marked out by the act of juridical possession made on the 15th of June, 1842, under the the first-mentioned grant, and all the lands lying between the same and the ranchos of the said Don José Antonio de la Guerra, Don Joaquin Carrillo, Don José Maria Covarrubias, and Don Ramon Malo, containing altogether three and a half square leagues, more or less.

For a more particular description, reference to be had to the original grants and maps, and the record of judicial possession, all of which are filed among the papers in the case.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office Feb'y 27th, 1855.

GEO. FISHER, *Sec'y.*

88 *Order.*

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings and of the decision in this case, and the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the southern district of California, and the other be transmitted to the Attorney General of the United States.

89 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing sixty-nine pages, numbered from 1 to 69,

both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 474 on the docket of the said board, wherein Maria Jesus Olivera de Cota *et al.* are the claimants against the United States for the place known by the name of "Santa Rosa."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this twenty-seventh day of September, A. D. 1855, and of the independence of the United States of America the eightieth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Filed Octo. 4th, 1855.

C. E. CARR, *Clerk.*

90 *Appeal.*

474. Santa Rosa.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, 10 *October*, 1855.

Maria Jesus Olivera de Cota et al., claimants:

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimants, and a transcript of the proceedings in which was received in this office on the 15th day of September, 1855, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING,
Attorney General.

Filed Nov. 25th, 1855.

C. E. CARR, *Cl'k.*

91 In the district court of the United States for the southern district of California.

STATE OF CALIFORNIA,
City and County of Los Angeles:

MARIA JESUS OLVERA DE COTA *et al.*, appellees, *ads*
THE UNITED STATES, appellants.
} Docket No. 294.—Transcript No. 474.

To the Hon. Isaac S. K. Ogier, judge:

The petition of Pacificus Ord, a resident of said city, county, and State, attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court, in the name and behalf of the United States, represents as follows: That heretofore, to wit, on or about the 9th day of November, A. D. 1852, Maria Jesus Olivera de Cota *et al.* presented a petition to the commissioners to ascertain and settle the

private land claims in the State of California, when sitting as a board, claiming a tract of land called Santa Rosa, in the county of Santa Barbara, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to; that thereafter, to wit, on or about the 27th day of February, A. D. 1855, the said commissioners confirmed, by final decision, the said claim of said petitioner; that thereafter, to wit, on or about the 4th day of October, A. D. 1855, a duly certified transcript of the proceedings and decision of the said commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 474, reference to which it is prayed may be had and made part of this petition; that on or about the 15th day of September, A. D. 1855, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said commissioners in said cause, and the papers and evidence on which said decision was founded; that thereafter, to wit, on the 20th day of November, A. D. 1855, the said Attorney General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the clerk of said district court of the United States, that the appeal in said cause from the said decision of the said commissioners, in the district court of the United States for the southern district of California, would be prosecuted by the United States. Your petitioner further represents that the land claimed, as aforesaid, is situate in the southern district of California, and within the jurisdiction of this honorable court. Your petitioner further represents and insists that the said claim is invalid, and the said decision of said commissioners is erroneous, and ought to be reversed, revised, and set aside, for many errors and imperfections of law and evidence, apparent in said certified tran-
92 script of the proceedings and decisions of said commissioners in said cause filed, and appealed from as aforesaid. And your petitioner denies all and singular each and every allegation in the said petition of said claimant, presented as aforesaid to said commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof

And no sufficient proof having been made of the allegations in said petition to said commissioners, or in support of the said claim, no decision confirming the same should have been made by said commissioners; but the said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to, the United States, by virtue of conquest, and the treaty of peace, friendship, limits, and settlement, between the United States and the republic of Mexico, made at the city of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United

States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney, may be served with a copy of this petition, and that this honorable court will review the said decision of said commissioners, and reverse the same, and decide on the validity of the same, and decree the alleged title to be invalid, with costs and general relief.

P. ORD,
Attorney of the United States for the Southern District of California.

Filed this 24 December, A. D. 1856.

C. SIMS, *Cl'k*,
p. J .H. COLEMAN,
Dep'ty.

93 *Summons.*

UNITED STATES OF AMERICA,
Southern District of California, ss:

The President of the United States to Maria Jesus Olivera de Cota et al., *greeting:*

Take notice, that a petition, a copy of which is herewith served upon you, has been filed against you in the district court of the United States, in and for the southern district of California, on the 24th day of December, in the year of our Lord one thousand eight hundred and fifty-six, at the city and county of Los Angeles, in said district, by P. Ord, U. S. dist. attorney, praying said court to review the decision of the United States commissioner of the 27th day of February, 1855, confirming your claim to the tract of land called "Santa Rosa," in the county of Santa Barbara, and that you are required to appear at said court, in said city, within ten days after the service hereof if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Fernandino, and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or the petitioner will apply to the court for the relief demanded therein.

In witness whereof, I have hereunto set my hand
[SEAL.] and affixed the seal of said court, at the city of Los
94 Angeles this, 24th day of December, A. D. 1856.

C. SIMS, *Clerk*,
p. J. H. COLEMAN, *Dep'ty.*

Rec'd Dec. 24th, 1856.

EDWARD HUNTER,
U. S. Marshal,
p. M. L. GOODMAN, *Dep'ty.*

I served this summons, together with a certified copy of the petition, upon H. Hancock, by delivering a true copy of same at Los

Angeles, in the southern district of California, on the 24 day of December, A. D. 1856.

EDWARD HUNTER,
U. S. Marshal,
Pr. M. L. GOODMAN, *Dep'ty.*

Filed on return, this 24th day of December, A. D. 1856.
C. SIMS, *Cl'k,*
Pr. J. H. COLEMAN, *Dep'ty.*

95 In the United States dist. court for the southern dist. of California.

Before Hon. Isaac S. K. Ogier, U. S. Dist. Judge. December term, A. D. 1856.

MARIA JESUS OLIVERA DE COTA *et al.*, appellees, *ads.*
UNITED STATES, appellants.
} Doc. No. 294. Trans. No. 474.

Rancho Santa Rosa and augmentation.

Answer to petition for review.

In answer to the petition of Pacificus Ord, U. S. dist. attorney, filed in this honorable court on this 24th day of December, 1856, the appellee in the above entitled cause, by her attorney, admits all that is alleged in the said petition concerning the proceedings already had in the above cause, saving and excepting only such portions of the same as there may be by the said petition alleged touching the validity of said claim of the appellee, and errors and imperfections of law and evidence, or that (it meaning the decree) ought to be reviewed, reversed, and set aside, together with whatever else there is in the said petition alleged concerning the want of proof or what should have been done by the board of land commissioners therein alluded; but on the contrary your respondent respectfully avers that her claim to the said rancho Santa Rosa of one and a half
96 square leagues, together with the sobrante or vacant land between it and other grants specified in a subsequent grant, is a good and valid claim.

Wherefore the respondent and appellee in the above entitled cause prays that the decision of the United States land commissioners for California be affirmed, and for such further relief as in justice and equity she may be entitled to.

HENRY HANCOCK,
Att'y for Claimant.

Filed this 24 December, A. D. 1856.
C. SIMS, *Cl'k,*
Pr. J. H. COLEMAN, *Dep'ty.*

97 *Decree.*

In the district court of the United States for the southern district of California.

MARIA JESUS OLIVERA DE COTA *et al.*, appellees, *ads.* THE UNITED STATES, appellants. } December term, 1856.—Docket No. 294.—Trans. No. 474.—Santa Rosa and sobrante.

This cause coming on to be heard at this term of the court on appeal from the decision of the commissioners to ascertain and settle private land claims in the State of Calfornia under the act of Congress approved on the 3d day of March, 1851, upon the transcript of the proceedings, decision, papers and evidence upon which said decision was founded, and it appearing that said transcript was duly filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged and decreed that the decision of the said commissioners be, and the same is hereby, affirmed. And it is further adjudged and decreed that the claim of the said appellees is a good and valid claim, and the same is hereby confirmed unto the said Maria Jesus Olivera de Cota and the other heirs and legal representatives of Francisco Cota, deceased.

The land hereby confirmed is situated in the county of Santa Barbara, and is known by the name of Santa Rosa, being the same land which was granted to the said Francisco Cota by grants made under the authority of the Mexican government in California; the
98 first by Manuel Jimeno, acting governor of said department, on the 30th day of July, 1839, and the second by governor Pio Pico on the 19th day of November, 1845. The first mentioned grant to include one and a half square leagues and no more; to be selected in accordance with the grant, map and act of judicial possession. The second grant aforesaid to embrace the land lying between the first named grant as aforesaid and the ranchos of the said José Antonio de la Guerra, Don Joaquin Carrillo, Don José Maria Covarrubius, and Don Ramon Malo, as specified in the said second grant, of date the 19th day of November, 1845, provided that the whole amount of land to be included within the limits of the two grants aforesaid shall not exceed the maximum of eleven leagues allowed by the colonization law of Mexico.

ISAAC S. K. OGIER,
U. S. Dist. Judge for the S. Dist. of Cal'a.

Filed Dec. 29th, 1856.

C. SIMS, *Cl'k.*

99 *Appeal.*

U. S. dist. court south'n dist. Cala.

MARIA JESUS OLIVERA DE COTA *et al.*, appellees, *ads.* THE UNITED STATES, appellants. } December term, A. D. 1856.—February 24th, A. D. 1857.—No. 294.—Trans. No. 474.

On motion of P. Ord, U. S. dist. att'y, it is ordered that an appeal be allowed the United States in this cause.

New Appeal.

United States district court southern district California.

MARIA JESUS OLIVERA DE COTA *et al.*, appellees, *ads.* THE UNITED STATES, appellants. } December term, A. D. 1861.—December 9th, A. D. 1861.—D. No. 294.—F. No. 474.

And now comes J. R. Gitchell, esq., appointed at the request of the court to represent the U. S. herein, (there being no U. S. dist. att'y present,) and moves the court that a new appeal be allowed the U. S. in this case to the Supreme Court of the U. S. from the order and decision of the court heretofore rendered.

Which motion being heard by the court and understood is granted.

100 United States district court for the southern district of California.

CLERK'S OFFICE, *Monterey, Cal'a.*

I, John O. Wheeler, clerk of the United States district court for the southern district of California, do hereby certify the foregoing one hundred and five pages numbered from 1 to 105, both inclusive, to contain a true, correct and full transcript of the record of the proceedings and of the decision of the said court of the documentary evidence and of the testimony of the witnesses, upon which the same is founded on file in my office in case No. 294 on the docket of the said court, wherein Maria Jesus Olivera de Cota *et al.* are the claimants against the United States for the place known by the name of "Santa Rosa."

In testimony whereof, I hereunto set my hand and affix the seal of said court at Monterey, Cal'a, this 29th day of May, A. D. 1862. [SEAL.]

JOHN O. WHEELER,
Clerk U. S. Dist. Court South'n Dist. Cal.

Filed July 2d, 1862.